



## **2005 DRAFTING REQUEST**

### **Senate Substitute Amendment (SSA-SB221)**

Received: **09/28/2005**

Received By: **gmalaise**

Wanted: **09/30/2005**

Identical to LRB:

For: **Julie Lassa (608) 266-3123**

By/Representing: **Monica Groves**

This file may be shown to any legislator: **NO**

Drafter: **gmalaise**

May Contact:

Addl. Drafters:

Subject: **Children - abuse and neglect**

Extra Copies:

Submit via email: **YES**

Requester's email: **Sen.Lassa@legis.state.wi.us**

Carbon copy (CC:) to:

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#### **Pre Topic:**

No specific pre topic given

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#### **Topic:**

Shaken baby syndrome; information to parents and pupils

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#### **Instructions:**

See Attached--also fold in a1057.

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#### **Drafting History:**

| <u>Vers.</u> | <u>Drafted</u>         | <u>Reviewed</u>        | <u>Typed</u>          | <u>Proofed</u> | <u>Submitted</u>       | <u>Jacketed</u>        | <u>Required</u> |
|--------------|------------------------|------------------------|-----------------------|----------------|------------------------|------------------------|-----------------|
| /P1          | gmalaise<br>09/28/2005 | kfollett<br>09/29/2005 | chaugen<br>09/29/2005 | _____          | sbasford<br>09/29/2005 |                        |                 |
| /P2          | gmalaise<br>10/04/2005 | kfollett<br>10/05/2005 | chaugen<br>10/05/2005 | _____          | sbasford<br>10/05/2005 |                        |                 |
| /1           | gmalaise<br>10/13/2005 | kfollett<br>10/13/2005 | chaugen<br>10/14/2005 | _____          | lnorthro<br>10/14/2005 | lnorthro<br>10/14/2005 |                 |

FE Sent For:

<END>

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FE Sent For:

11/13 JGF  
10-14 CH  
10-14 PS  
<END>

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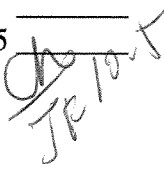
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| /P1          | gmalaise<br>09/28/2005 | kfollett<br>09/29/2005 | chaugen<br>09/29/2005 |  | sbasford<br>09/29/2005 |                 |                 |

FE Sent For:

*1P2 k f ch*  
*10/5 10-5*

**<END>**

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|--------------|----------------|-----------------|--------------|------------------|------------------|-----------------|-----------------|
| /P1          | gmalaise       | 1P1/gf<br>9/29  | ch<br>a-2a   | ch<br>a-2a<br>15 |                  |                 |                 |

FE Sent For:

<END>

## Malaise, Gordon

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**From:** Groves, Monica  
**Sent:** Wednesday, September 28, 2005 2:40 PM  
**To:** Malaise, Gordon  
**Cc:** Kelly, Jessica; Weinglass, David  
**Subject:** Requested Changes to Senate Substitute Amendment 1, to 2005 Senate Bill 221

Senator Lassa has requested that I contact you about a few changes that she would like made to Senate Substitute Amendment 1, to 2005 Senate Bill 221. These changes are the result of a continuing dialogue between Senator Lassa and Senator Lazich, so Senator Lassa has requested that until they have a final agreement this bill these changes just be in the form of a P draft for the time being. Once they have ironed everything out, we will submit the final change to the substitute amendment. The changes that Senator Lassa have requested are as follows:

- Page 8, lines 16 and 17, "Information to Parents" section: Change current language that reads "Shall request those parents to view a presentation of the audiovisual materials prepared under sub. (2). TO "Shall make materials available."

- Page 8, lines 22 and 23, "Information to Parents" section: Change current language that reads "Shall request those parents to view a presentation of the audiovisual materials prepared under sub. (2). TO "Inform parents of the availability of the audiovisual materials prepared under sub. (2)."

Senator Lassa's intent behind these changes is to allow more flexibility to the hospitals and new parents in when and how they are instructed about Shaken Baby Syndrome

- Page 9, language about the form that parents are provided with: Add language that states (in whatever appropriate language), "The form that parents receive at the hospital shall not include a signature line that parents are required to sign at the hospital."

Senator Lassa's intent behind this language addition is to make it clear that this form does not have to be signed and returned to the hospital, but is rather an informational/inspirational pledge for parents to make to themselves and have at home.

- Page 10, somewhere in "Instruction for Pupils" section: Add language that states that written and audiovisual materials on Shaken Baby Syndrome be age appropriate.

These should be all of the changes that Senator Lassa will make. Based on our conversation I believe this is all clear, but if you have any questions please feel free to contact me. Since Jessica Kelly is out of the office until next week, I am the contact person on this legislation.

Thank You,

Monica

**Monica V. Groves**  
Office of Senator Julie Lassa  
State Capitol  
Room 109 South  
P. O. Box 7882  
Madison, WI 53707-7882  
(608) 266-3123 phone  
(608) 267-6797 fax  
(800) 925-7491 toll free

**SENATE AMENDMENT ,  
TO SENATE SUBSTITUTE AMENDMENT 1,  
TO 2005 SENATE BILL 221**

1       At the locations indicated, amend the substitute amendment as follows:

- 2       ~~1.~~ Page 7, line 15: delete "contract" and substitute "arrange".
- 3       ~~2.~~ Page 9, line 25: delete "contracted" and substitute "arranged".
- 4       ~~3.~~ Page 10, line 4: delete "contracted" and substitute "arranged".
- 5       ~~4.~~ Page 10, line 11: delete "contracted" and substitute "arranged".
- 6       ~~5.~~ Page 10, line 16: delete "contract" and substitute "arrange".
- 7       ~~6.~~ Page 11, line 5: delete "contracted with" and substitute "specified".
- 8       ~~7.~~ Page 11, line 13: delete "contracted".
- 9       ~~8.~~ Page 11, line 14: delete "with" and substitute "specified".
- 10      ~~9.~~ Page 12, line 22: delete "contracted" and substitute "arranged".
- 11      ~~10.~~ Page 12, line 23: delete "shall" and substitute "to".

~~11.~~ Page 12, line 24: after “act,” insert “shall prepare those informational materials”.

**12.** Page 13, line 6: delete “contracted” and substitute “arranged”.

**13.** Page 13, line 7: delete “shall” and substitute “to”.

**14.** Page 13, line 8: after “act,” insert “shall provide that training”.

**15.** Page 13, line 20: delete “contracted by that county department shall” and substitute “arranged by that county department to”.

**16.** Page 13, line 21: after “act,” insert “shall provide that training”.

(END)



Fri 9/30

50234/PI

LRBs014372

GMM:kjf

SENATE SUBSTITUTE AMENDMENT X,  
TO 2005 SENATE BILL 221

June 21, 2005 Offered by Senator LAS8A.

the identification of, and  
documentation of certain information  
concerning, shaken and impacted babies;

; and making an appropriation

Reyn

1 AN ACT *to amend* 48.67, 49.155 (1d) (a) and 49.45 (44) (intro.); and *to create*  
2 20.435 (3) (e), 46.515 (4) (b) 3., 121.02 (1) (L) 6. and 253.15 of the statutes;  
3 **relating to:** the provision of information regarding shaken baby syndrome and  
4 impacted babies to the parents of newborn infants, training regarding shaken  
5 baby syndrome and impacted babies for day care providers, and instruction  
6 regarding shaken baby syndrome and impacted babies for middle school and  
7 high school pupils; and granting rule-making authority.

***Analysis by the Legislative Reference Bureau***

Under current law, the Department of Health and Family Services (DHFS) is required to prepare printed informational materials relating to sudden infant death syndrome and to distribute those materials so as to maximize their availability to parents. DHFS is also required to promulgate rules requiring day care center licensees who are licensed to provide care and supervision for children under one year of age and the employees and volunteers of those licensees to receive training in sudden infant death syndrome before the license is issued or the employment or volunteer work commences. The Department of Workforce Development (DWD) is required to promulgate similar rules for day care providers who are certified to

receive reimbursement under the Wisconsin Works (W-2) program and for the employees and volunteers of those providers.

This substitute amendment creates similar requirements relating to shaken baby syndrome, which is defined in the substitute amendment as a severe form of brain injury that occurs when an infant or young child is shaken forcibly enough to cause the brain to rebound against his or her skull and requirements relating to impacted babies, which is defined as babies that suffer death or great bodily harm as a result of being thrown against a surface, hard or soft. Specifically, the substitute amendment requires DHFS to prepare or to ~~contract~~<sup>arrange</sup> with a nonprofit organization that is dedicated to the prevention of shaken baby syndrome and impacted babies and the support of families affected by shaken baby syndrome or an impacted baby (nonprofit organization) to prepare printed and audiovisual materials relating to shaken baby syndrome and impacted babies that include: information regarding the identification and prevention of shaken baby syndrome and impacted babies; the grave effects of shaking or throwing an infant or young child; appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child; and a discussion of ways to reduce the risks that can lead a person to shake or throw an infant or young child.

The substitute amendment requires the parents of a newborn infant to be provided with a copy of those written materials ~~and to be requested to view a presentation of those audiovisual materials~~ as follows:

1. In the case of an infant born at or on route to a hospital or maternity home, by the attending physician, attending nurse-midwife, or a trained, designated staff member of the hospital or maternity home before the infant is discharged from the hospital or maternity home.
2. In the case of an infant born elsewhere than at or on route to a hospital or maternity home, by the attending physician, attending nurse-midwife, or a trained, designated birth attendant within seven days after the birth of the infant.

The substitute amendment also requires the person who provides those written materials to provide those parents with a form that includes all of the following:

1. A statement that the parent has been advised as to the grave effects of shaking or throwing on an infant or young child and of appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child.
2. A telephone number that the parent may call to obtain assistance on how to care for an infant or young child.
3. A statement that the parent will share that information with all persons who provide care for the infant.

In addition, the substitute amendment requires that training relating to shaken baby syndrome and impacted babies be provided:

1. Before an individual may obtain a license to operate a day care center for children under five years of age or enter into a contract with a school board to provide a day care program for children under five years of age, by DHFS or a nonprofit organization contracted by DHFS to provide that training.

That person is also required to make those audiovisual materials available for the parents to view.

That person is also required to inform the parents of the availability of those audiovisual materials.

2. Before an individual may be certified as a day care provider for children under five years of age under the W-2 program, by a county department of human services or social services (county department) or a nonprofit organization contracted by that county department to provide the training.

3. Before an employee or volunteer of a day care center, of a day care provider, or of a day care program may provide care and supervision for children under five years of age, by DHFS, the certifying county department, or a nonprofit organization contracted by DHFS or county department to provide that training.

The training must be provided by no later than the continuation date of the license or the renewal date of the certification or contract, whichever is applicable, or by two years after the effective date of the substitute amendment, whichever is sooner, for an individual who on the day before the initial applicability date of the substitute amendment: 1) already holds or has applied for a license to operate a day care center; 2) is already certified as a day care provider or has applied for that certification; 3) is already providing a day care program under a contract with a school board; or 4) is already an employee or volunteer of such a licensee, provider, or program.

*arrange* In addition, the substitute amendment requires *age-appropriate* each school board to provide or ~~contract~~ with a nonprofit organization to provide instruction relating to shaken baby syndrome and impacted babies for pupils in and one of grades 5 to 8 and in one of grades 10 to 12. The substitute amendment permits the person providing the instruction to provide to each pupil receiving the instruction a copy of the written materials prepared by DHFS or the nonprofit organization, a presentation of the audiovisual materials prepared by DHFS or the nonprofit organization, and an oral explanation of those written and audiovisual materials.

Moreover, the substitute amendment requires a county department or an Indian tribe that is providing home visitation services under DHFS's Child Abuse and Neglect Prevention Program or that is a provider of prenatal, postpartum, and young child care coordination services in Milwaukee County under the Medical Assistance program to provide to a recipient of those services, without cost, a copy of the written materials relating to shaken baby syndrome and impacted babies prepared by DHFS or the nonprofit organization and an oral explanation of those materials.

Finally, the substitute amendment requires DHFS to identify all infants and young children who have shaken baby syndrome or who are impacted babies and all infants and young children who have died as a result of being shaken or thrown by using the statewide automated child welfare information system (commonly referred to as "WISACWIS") and child fatality information compiled by the Department of Justice. For each infant or young child so identified, DHFS must document the age, sex, and other characteristics of the child that are relevant to the prevention of shaken baby syndrome and impacted babies and, if known, the age, sex, employment status, and residence of the person who shook or threw the infant or young child, the

relationship of that person to the child, and any other characteristics of that person that are relevant to the prevention of shaken baby syndrome and impacted babies.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 20.005 (3) (schedule) of the statutes: at the appropriate place, insert  
2           the following amounts for the purposes indicated:

|   | 2005-06  | 2006-07 |
|---|--|---------|
| 3 |  |         |
| 4 | <b>20.435 Health and family services, department</b> |         |
| 5 | <b>of</b>  |         |

6           (3) CHILDREN AND FAMILY SERVICES

7           (e) Shaken baby syndrome and

|   |                            |     |   |        |        |
|---|----------------------------|-----|---|--------|--------|
| 8 | impacted babies prevention | GPR | A | 68,200 | 68,200 |
|---|----------------------------|-----|---|--------|--------|

9           **SECTION 2.** 20.435 (3) (e) of the statutes is created to read:

10           20.435 (3) (e) *Shaken baby syndrome and impacted babies prevention.* The  
11           amounts in the schedule for shaken baby syndrome and impacted babies prevention  
12           activities under s. 253.15.

13           **SECTION 3.** 46.515 (4) (b) 3. of the statutes is created to read:

14           46.515 (4) (b) 3. A county or Indian tribe that is providing home visitation  
15           program services under subd. 1. or 2. shall provide to a person receiving those  
16           services the information relating to shaken baby syndrome and impacted babies  
17           required under s. 253.15 (6).

18           **SECTION 4.** 48.67 of the statutes is amended to read:

19           **48.67 Rules governing child welfare agencies, day care centers, foster**  
20           **homes, treatment foster homes, group homes, shelter care facilities, and**

1     **county departments.** The department shall promulgate rules establishing  
2     minimum requirements for the issuance of licenses to, and establishing standards  
3     for the operation of, child welfare agencies, day care centers, foster homes, treatment  
4     foster homes, group homes, shelter care facilities, and county departments. These  
5     Those rules shall be designed to protect and promote the health, safety, and welfare  
6     of the children in the care of all licensees. The department shall consult with the  
7     department of commerce and, the department of public instruction, and the child  
8     abuse and neglect prevention board before promulgating these those rules. In  
9     establishing the minimum requirements for the issuance of licenses to day care  
10    centers ~~that provide care and supervision for children under one year of age~~, the  
11    department shall include a requirement that all licensees who are individuals and  
12    all employees and volunteers of a licensee who provide care and supervision for  
13    children receive, before the date on which the license is issued or the employment or  
14    volunteer work commences, whichever is applicable, training in the most current  
15    medically accepted methods of preventing sudden infant death syndrome, if the  
16    licensee, employee, or volunteer provides care and supervision for children under one  
17    year of age, and the training relating to shaken baby syndrome and impacted babies  
18    required under s. 253.15 (4), if the licensee, employee, or volunteer provides care and  
19    supervision for children under 5 years of age.

20           **SECTION 5.** 49.155 (1d) (a) of the statutes is amended to read:

21           **49.155 (1d)** (a) The department shall promulgate rules establishing standards  
22    for the certification of child care providers under s. 48.651. The department shall  
23    consult with the child abuse and neglect prevention board before promulgating those  
24    rules. In establishing the requirements for certification under this paragraph of a  
25    child care provider ~~who provides care and supervision for children under one year~~

1 of age, the department shall include a requirement that all providers and all  
2 employees and volunteers of a provider who provide care and supervision for children  
3 receive, before the date on which the provider is certified or the employment or  
4 volunteer work commences, whichever is applicable, training in the most current  
5 medically accepted methods of preventing sudden infant death syndrome, if the  
6 provider, employee, or volunteer provides care and supervision for children under  
7 one year of age, and the training relating to shaken baby syndrome and impacted  
8 babies required under s. 253.15 (4), if the provider, employee, or volunteer provides  
9 care and supervision for children under 5 years of age. In establishing the  
10 requirements for certification as a Level II certified family day care provider, the  
11 department may not include any other requirement for training for providers.

12 **SECTION 6.** 49.45 (44) (intro.) of the statutes is amended to read:

13 49.45 **(44)** PRENATAL, POSTPARTUM AND YOUNG CHILD CARE COORDINATION. (intro.)  
14 Providers in Milwaukee County that are certified to provide care coordination  
15 services under s. 49.46 (2) (b) 12. may be certified to provide to medical assistance  
16 recipients prenatal and postpartum care coordination services and care coordination  
17 services for children who have not attained the age of 7. A provider of those care  
18 coordination services shall provide to a person receiving those services the  
19 information relating to shaken baby syndrome and impacted babies required under  
20 s. 253.15 (6). The department shall provide reimbursement for these those care  
21 coordination services only if at least one of the following conditions is met:

22 **SECTION 7.** 121.02 (1) (L) 6. of the statutes is created to read:

23 121.02 **(1)** (L) 6. In one of grades 5 to 8 and in one of grades 10 to 12, provide  
24 pupils with the instruction on shaken baby syndrome and impacted babies described  
25 in s. 253.15 (5).

1           **SECTION 8.** 253.15 of the statutes is created to read:

2           **253.15 Shaken baby syndrome and impacted babies. (1) DEFINITIONS.**

3           In this section:

4           (a) “County department” means a county department of human services or  
5           social services under s. 46.215, 46.22, or 46.23.

6           (b) “Impacted baby” means an infant or young child who suffers death or great  
7           bodily harm as a result of being thrown against a surface, hard or soft.

8           (c) “Nonprofit organization” means an organization described in section 501 (c)  
9           (3) of the Internal Revenue Code that is dedicated to the prevention of shaken baby  
10          syndrome and impacted babies and the support of families affected by shaken baby  
11          syndrome or an impacted baby.

12          (d) “Shaken baby syndrome” means a severe form of brain injury that occurs  
13          when an infant or young child is shaken forcibly enough to cause the brain to rebound  
14          against his or her skull.

15          **(2) INFORMATIONAL MATERIALS.** The department shall prepare or <sup>arrange</sup> ~~contract~~ with  
16          a nonprofit organization to prepare printed and audiovisual materials relating to  
17          shaken baby syndrome and impacted babies. The materials shall include  
18          information regarding the identification and prevention of shaken baby syndrome  
19          and impacted babies, the grave effects of shaking or throwing on an infant or young  
20          child, appropriate ways to manage crying, fussing, or other causes that can lead a  
21          person to shake or throw an infant or young child, and a discussion of ways to reduce  
22          the risks that can lead a person to shake or throw an infant or young child. The  
23          materials shall be prepared in English, Spanish, and other languages spoken by a  
24          significant number of state residents, as determined by the department. The  
25          department shall make those written and audiovisual materials available to all

1 hospitals, maternity homes, and nurse-midwives licensed under s. 441.15 that are  
 2 required to provide ~~the~~ <sup>or make available</sup> materials to parents under sub. (3) (a), <sup>these written and trained</sup> to all county  
 3 departments and nonprofit organizations that are required to provide <sup>stays</sup> the materials  
 4 to day care providers under sub. (4), and <sup>stays</sup> to all school boards and nonprofit  
 5 organizations that are permitted to provide <sup>stays</sup> the materials to pupils in one of grades  
 6 5 to 8 and in one of grades 10 to 12 under sub. (5). The department shall also make  
 7 those written materials available to all county departments and Indian tribes that  
 8 are providing home visitation services under s. 46.515 (4) (b) 1. or 2. and to all  
 9 providers of prenatal, postpartum, and young child care coordination services under  
 10 s. 49.45 (44).

11 (3) INFORMATION TO PARENTS. (a) <sup>make available for</sup> Before an infant who is born at or on route to  
 12 a hospital or maternity home is discharged from the hospital or maternity home, the  
 13 attending physician, the attending nurse midwife, or another trained, designated  
 14 staff member of the hospital or maternity home shall provide to the parents of the  
 15 infant, without cost to those parents, a copy of the written materials prepared under  
 16 sub. (2) and shall ~~request~~ <sup>inform</sup> those parents to view ~~a presentation of~~ <sup>of the availability</sup> the audiovisual  
 17 materials prepared under sub. (2). <sup>1.</sup> Within 7 days after the birth of an infant who is <sup>2.</sup>  
 18 born elsewhere than at or on route to a hospital or maternity home, the attending  
 19 physician, the attending nurse-midwife, or a trained, designated birth attendant  
 20 who attended the birth of the child shall provide to the parents of the infant, without  
 21 cost to those parents, a copy of the written materials prepared under sub. (2) and  
 22 shall ~~request~~ <sup>inform</sup> those parents to ~~view a presentation of~~ <sup>of the availability</sup> the audiovisual materials  
 23 prepared under sub. (2). <sup>written</sup>

24 (b) At the same time that the materials and explanation are provided under  
 25 par. (a), <sup>written</sup> the person who provides the materials and explanation shall also provide the  
 1. or 2.



(c) In preparing the form under par. (b), the department may not include <sup>line</sup> in the form a signature line for the parent to sign or any other requirement that the parent sign the form.

parent with a form prepared by the department in English, Spanish, and other languages spoken by a significant number of state residents, as determined by the department, that includes all of the following:

1. A statement that the parent has been advised as to the grave effects of shaking or throwing on an infant or young child and of appropriate ways to manage crying, fussing, or other causes that can lead a person to shake or throw an infant or young child.

2. A telephone number that the parent may call to obtain assistance on how to care for an infant or young child, which may be the telephone number of the infant's physician, the hospital or maternity home at or on route to which the infant was born, the nurse-midwife that attended the birth of the infant, if born elsewhere than at or on route to a hospital or maternity home, or a help line established by the hospital, maternity home, or nurse-midwife.

3. A statement that the parent will share the information specified in subds.

1. and 2. with all persons who provide care for the infant.

(16) (d) (c) The person who provides the <sup>written</sup> materials and explanation under par. (a) and the form under par. (b) shall include in the records of the hospital, maternity home, or nurse-midwife relating to the infant a statement that the <sup>written</sup> materials, explanation, and form have been provided as required under pars. (a) and (b) <sup>1. or 2.</sup>

(4) TRAINING FOR DAY CARE PROVIDERS. Before an individual may obtain a license to operate a day care center under s. 48.65 for the care and supervision of children under 5 years of age or enter into a contract to provide a day care program under s. 120.13 (14) for the care and supervision of children under 5 years of age, the individual shall receive training relating to shaken baby syndrome and impacted babies provided by the department or a nonprofit organization <sup>arranged</sup> contracted by the

X and that the audiovisual materials have been made available <sup>as</sup> as required under par. (a) 1. or that the parent <sup>5</sup> have been informed of their availability as required under par. (a) 2., whichever is applicable

1 department to provide that training. Before an individual may be certified under s.  
2 48.651 as a day care provider of children under 5 years of age, the individual shall  
3 receive training relating to shaken baby syndrome and impacted babies provided by  
4 the certifying county department or a nonprofit organization ~~contracted~~ by that  
5 county department to provide that training. Before an employee or volunteer of a day  
6 care center licensed under s. 48.65, a day care provider certified under s. 48.651, or  
7 a day care program established under s. 120.13 (14) may provide care and  
8 supervision for children under 5 years of age, the employee or volunteer shall receive  
9 training relating to shaken baby syndrome and impacted babies provided by the  
10 department, the certifying county department, or a nonprofit organization  
11 ~~contracted~~ by the department or county department to provide that training. The  
12 person conducting the training shall provide to the individual receiving the training,  
13 without cost to the individual, a copy of the written materials prepared under sub.  
14 (2), a presentation of the audiovisual materials prepared under sub. (2), and an oral  
15 explanation of those written and audiovisual materials.

16 (5) INSTRUCTION FOR PUPILS. Each school board shall provide or ~~contract~~ with  
17 a nonprofit organization to provide instruction relating to shaken baby syndrome  
18 and impacted babies for pupils in one of grades 5 to 8 and in one of grades 10 to 12.  
19 The person providing the instruction may provide to each pupil receiving the  
20 instruction a copy of the written materials prepared under sub. (2), a presentation  
21 of the audiovisual materials prepared under sub. (2), and an oral explanation of those  
22 written and audiovisual materials.

23 (6) INFORMATION TO HOME VISITATION OR CARE COORDINATION SERVICES RECIPIENTS.  
24 A county department or Indian tribe that is providing home visitation services under  
25 s. 46.515 (4) (b) 1. or 2. and a provider of prenatal, postpartum, and young child care

1 coordination services under s. 49.45 (44) shall provide to a recipient of those services,  
2 without cost, a copy of the written materials prepared under sub. (2) and an oral  
3 explanation of those materials.

4 (7) IMMUNITY FROM LIABILITY. (a) The department or a nonprofit organization  
5 ~~contracted with~~ <sup>specified</sup> under sub. (2) is immune from liability for any damages resulting  
6 from any good faith act or omission in preparing and distributing, or in failing to  
7 prepare and distribute, the materials specified in sub. (2).

8 (b) A hospital, maternity home, physician, nurse–midwife, other staff member  
9 of a hospital or maternity home, or other birth attendant attending the birth of an  
10 infant is immune from liability for any damages resulting from any good faith act or  
11 omission in providing or failing to provide the written and audiovisual materials  
12 specified in sub. (3) (a) or the form specified in sub. (3) (b).

13 (c) The department, a county department, or a nonprofit agency ~~contracted~~  
14 ~~with~~ <sup>specified</sup> under sub. (4) is immune from liability for any damages resulting from any good  
15 faith act or omission in providing or failing to provide the training, written and  
16 audiovisual materials, and the oral explanation specified in sub. (4). A school board  
17 is immune from liability for any damages resulting from any good faith act or  
18 omission in connection with the provision of or the failure to provide, the training,  
19 written and audiovisual materials, and oral explanation specified in sub. (4).

20 (d) A school board is immune from liability for any damages resulting from any  
21 good faith act or omission in providing or failing to provide the instruction and the  
22 written and audiovisual materials and oral explanation specified in sub. (5).

23 (e) A county department or Indian tribe that is providing home visitation  
24 services under s. 46.515 (4) (b) 1. or 2. and a provider of prenatal, postpartum, and  
25 young child care coordination services under s. 49.45 (44) is immune from liability

1 for any damages resulting from any good faith act or omission in providing or failing  
2 to provide the written materials and oral explanation specified in sub. (6).

3 (8) IDENTIFICATION OF SHAKEN OR IMPACTED BABIES. The department of health and  
4 family services shall identify all infants and young children who have shaken baby  
5 syndrome or who are impacted babies and all infants and young children who have  
6 died as a result of being shaken or thrown by using the statewide automated child  
7 welfare information system established under s. 46.03 (7) (g) and child fatality  
8 information compiled by the department of justice. For each infant or young child  
9 so identified, the department of health and family services shall document the age,  
10 sex, and other characteristics of the infant or young child that are relevant to the  
11 prevention of shaken baby syndrome and impacted babies and, if known, the age,  
12 sex, employment status, and residence of the person who shook or threw the infant  
13 or young child, the relationship of that person to the infant or young child, and any  
14 other characteristics of that person that are relevant to the prevention of shaken  
15 baby syndrome and impacted babies.

16 **SECTION 9. Nonstatutory provisions.**

17 (1) SHAKEN BABY SYNDROME AND IMPACTED BABIES; INFORMATIONAL MATERIALS;  
18 TRAINING; RULES; POSITIONS.

19 (a) *Preparation and distribution of informational materials.* By the first day  
20 of the 12th month beginning after the effective date of this subsection, the  
21 department of health and family services or a nonprofit organization, as defined in  
22 section 253.15 (1) (b) of the statutes, as created by this act, ~~contracted~~ <sup>arranged</sup> by that  
23 department <sup>to</sup> ~~shall~~ prepare the informational materials specified in section 253.15 (2)  
24 of the statutes, as created by this act, <sup>and</sup> that department shall make those

shall prepare those informational materials

1 materials available as required under section 253.15 (2) of the statutes, as created  
2 by this act.

3 (b) *Training for day care providers.*

4 1. Notwithstanding section 253.15 (4) of the statutes, as created by this act, the  
5 department of health and family services or a nonprofit organization, as defined in  
6 section 253.15 (1) (b) of the statutes, as created by this act, ~~contracted~~ by that <sup>arranged</sup>  
7 department ~~shall~~ <sup>to</sup> provide the training required under section 253.15 (4) of the  
8 statutes, as created by this act, to all individuals who on the day before the first day  
9 of the 12th month beginning after the effective date of this subdivision, hold or have  
10 applied for a license under section 48.65 of the statutes to operate a day care center  
11 or are providing a day care program under a contract under section 120.13 (14) of the  
12 statutes, and to all employees and volunteers of that day care center or day care  
13 program who on that day are providing care and supervision for children, by no later  
14 than the continuation date of the license or the renewal date of the contract,  
15 whichever is applicable, or by 2 years after the effective date of this subdivision,  
16 whichever is sooner.

17 2. Notwithstanding section 253.15 (4) of the statutes, as created by this act, a  
18 county department, as defined in section 253.15 (1) (a) of the statutes, as created by  
19 this act, or a nonprofit organization, as defined in section 253.15 (1) (b) of the <sup>to</sup>  
20 statutes, as created by this act, ~~contracted~~ by that county department ~~shall~~ provide  
21 the training required under section 253.15 (4) of the statutes, as created by this act,  
22 to all individuals who on the day before the first day of the 12th month beginning  
23 after the effective date of this subdivision, are certified by that county department  
24 as day care providers under section 48.651 of the statutes or have applied for that  
25 certification, and to all employees and volunteers of that day care provider who on

shall provide that training

1 that day are providing care and supervision for children, by no later than 18 months  
2 after the effective date of this subdivision.

3 (c) *Rules.*

4 1. The department of health and family services shall submit in proposed form  
5 the rules required under section 48.67 of the statutes, as affected by this act, to the  
6 legislature under section 227.19 of the statutes no later than the first day of the 12th  
7 month beginning after the effective date of this subdivision. Before the date on which  
8 the rules are finally promulgated, the department of health and family services shall  
9 administer section 253.15 (4) of the statutes, as created by this act, according to  
10 policies and procedures established by that department, but not promulgated as  
11 rules, notwithstanding the absence of rules to administer that provision.

12 2. The department of workforce development shall submit in proposed form the  
13 rules required under section 49.155 (1d) (a) of the statutes, as affected by this act,  
14 to the legislature under section 227.19 of the statutes no later than the first day of  
15 the 12th month beginning after the effective date of this subdivision.  
16 Notwithstanding section 227.137 (2) of the statutes, the secretary of administration  
17 may not require the department of workforce development to prepare an economic  
18 impact report for the rules required under section 49.155 (1d) (a) of the statutes, as  
19 affected by this act. Before the date on which the rules are finally promulgated, the  
20 department of workforce development shall administer section 253.15 (4) of the  
21 statutes, as created by this act, according to policies and procedures established by  
22 that department, but not promulgated as rules, notwithstanding the absence of rules  
23 to administer that provision.

24 (d) *Positions.* The authorized FTE positions for the department of health and  
25 family services are increased by 1.0 GPR position, to be funded from the

1 appropriation under section 20.435 (3) (e), as created by this act, for the purpose of  
2 administering the shaken baby syndrome and impacted babies prevention activities  
3 specified in section 253.15 of the statutes, as created by this act.

4 **SECTION 10. Initial applicability.**

5 (1) SHAKEN BABY SYNDROME AND IMPACTED BABIES; INFORMATIONAL MATERIALS;  
6 TRAINING; INSTRUCTION.

7 (a) *Information to parents.* The treatment of section 253.15 (3) of the statutes  
8 first applies to infants born on the first day of the 12th month beginning after the  
9 effective date of this paragraph.

10 (b) *Training for day care providers.* The treatment of section 253.15 (4) of the  
11 statutes first applies to an individual who applies for a license to operate a day care  
12 center under section 48.65 of the statutes, who applies for certification as a day care  
13 provider under section 48.651 of the statutes, who enters into a contract to provide  
14 a day care program under section 120.13 (14) of the statutes, or who commences  
15 employment or volunteer work at a day care center, day care provider, or day care  
16 program on the first day of the 12th month beginning after the effective date of this  
17 paragraph.

18 (c) *Instruction for pupils.* The treatment of section 253.15 (5) of the statutes  
19 first applies to instructional programs provided in the 2007–08 school year.

20 (d) *Information to home visitation or care coordination services recipients.* The  
21 treatment of section 253.15 (6) of the statutes first applies to home visitation services  
22 under section 46.515 (4) (b) 1. or 2. of the statutes or prenatal, postpartum, and young  
23 child care coordination services under section 49.45 (44) of the statutes provided on  
24 the first day of the 12th month beginning after the effective date of this paragraph.

(e) *Identification of shaken or impacted babies.* The treatment of section 253.15 (8) of the statutes first applies to an infant or young child for whom information indicating that the infant or young child has shaken baby syndrome, as defined in section 253.15 (1) (d) of the statutes, as created by this act, or is an impacted baby, as defined in section 253.15 (1) (b) of the statutes, as created by this act, is entered into the statewide automated child welfare information system established under section 46.03 (7) (g) of the statutes, and to an infant or young child for whom child fatality information is compiled by the department of justice indicating that the infant or young child died as a result of being shaken or thrown, on the first day of the 12th month beginning after the effective date of this paragraph.

**SECTION 11. Effective date.**

~~(1) SHAKEN BABY SYNDROME AND IMPACTED BABIES PREVENTION ACTIVITIES. This act takes effect on the day after publication or on the 2nd day after publication of the 2005-07 biennial budget, whichever is later.~~

(END)



Morrin

S 0234 / PJ

① P 8, 19 require doctor, etc., to inform parents of availability of air materials, (and make them available

② Permit health care provider to provide instruction to pupils (p 11, 11)